

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>24 HOUR FITNESS USA, INC.,</b>	)	
a California corporation,	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 08 CV 3853</b>
<b>v.</b>	)	
	)	
<b>BALLY TOTAL FITNESS HOLDING</b>	)	
<b>CORP., a Delaware corporation,</b>	)	<b>Judge Joan Humphrey Lefkow</b>
<b>and MICHAEL SHEEHAN, an</b>	)	<b>Magistrate Judge Morton Denlow</b>
<b>individual,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF MOTION**

**To:** R. Mark Halligan, LOVELLS LLP, 330 N. Wabash Avenue, Suite 1900, Chicago, IL  
60611

PLEASE TAKE NOTICE that on July 24, 2008 at 9:30 a.m., we will appear before the Honorable Joan Humphrey Lefkow in Room 1925, 219 S. Dearborn, Chicago, Illinois, and then

and there present the Motion of Defendants, Michael Sheehan and Bally Total Fitness Holding Corporation, To Dismiss The First Amended Complaint Of 24 Hour Fitness USA, Inc. For Lack Of Subject Matter Jurisdiction.

Dated: July 23, 2008

Respectfully submitted,

MICHAEL SHEEHAN and BALLY TOTAL  
FITNESS HOLDING CORPORATION

By: /s/

Kimball R. Anderson  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601-9703  
Tel: (312) 558-5600  
Fax: (312) 558 5700  
[kanderson@winston.com](mailto:kanderson@winston.com)

Attorneys for Defendants  
MICHAEL SHEEHAN  
and BALLY TOTAL FITNESS  
HOLDING CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Defendants Michael Sheehan and Bally Total Fitness Holding Corporation, hereby certifies that he has caused a true and correct copy of the foregoing NOTICE OF MOTION to be served via the Court's ECF filing system, this 23rd day of July, 2008, addressed to:

R. Mark Halligan  
Mark.Halligan@lovells.com  
Deanna R. Swits  
Deanna.swits@lovells.com  
LOVELLS LLP  
330 N. Wabash Avenue  
Suite 1900  
Chicago, IL 60611  
Tel: 312-832-4400  
Chicago, IL 60611

\_\_\_\_\_/s/Kimball R. Anderson\_\_\_\_\_

LA: